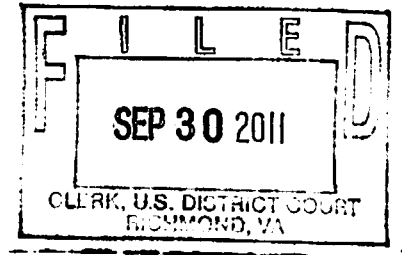


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



KANDISE LUCAS,  
  
Plaintiff,

v.

Civil Action No. 3:11cv5

HENRICO COUNTY SCHOOL  
BOARD, et al.,

Defendants.

**ORDER**

By Order entered herein on May 2, 2011, the pending DEFENDANTS' AMENDED RULE 12(b)(1) MOTION TO DISMISS (Docket No. 7) and DEFENDANTS' AMENDED RULE 12(b)(6) MOTION TO DISMISS (Docket No. 9) were referred to Magistrate Judge M. Hannah Lauck for report and recommendation. Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 30) entered herein on August 25, 2011, and there being no timely filed objections thereto, and the time for filing objections having expired, and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 30) is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION.

It is further ORDERED that the DEFENDANTS' AMENDED RULE 12(b)(1) MOTION TO DISMISS (Docket No. 7) and DEFENDANTS' AMENDED RULE 12(b)(6) MOTION TO DISMISS (Docket No. 9) are granted in part and denied in part. Accordingly, it is hereby ORDERED that:

(1) Count One may proceed only against the defendant, Henrico County School Board;

(2) Count Two is dismissed based on Defendants' entitlement to qualified immunity;

(3) Count Three is dismissed as barred by the applicable statute of limitations;

(4) Count Four(A) is dismissed for lack of jurisdiction;

(5) Count Four(B) is dismissed for lack of standing and as duplicative of Count One;

(6) Counts Five, Six, Seven and Eight are dismissed for failure to state a claim; and

(7) Count Nine may proceed to the extent it alleges an abuse of process accruing on or after January 4, 2009.

It is further ORDERED that this case shall be set for an Initial Pretrial Conference by separate Order.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

\_\_\_\_\_/s/ REP\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: September 30, 2011